

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

**Boundary Commission
Docket #96-AR-15**

**The proposed annexation of
territory in Wayland Township
to the City of Wayland.**

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of proposed annexation of the following territory situated in Wayland Township to the City of Wayland and described as follows:

That part of the N $\frac{1}{2}$, NE $\frac{1}{4}$, Section 8, and that part of the SW $\frac{1}{4}$ of Section 4, and that part of the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 9, all in T3N, R11W, Wayland Township, Allegan County, Michigan, described as: Beginning at the North $\frac{1}{4}$ Corner of said Section 8, thence S 89°50'56" E 2627.73 feet along the North line of the NE $\frac{1}{4}$ of said Section 8; thence N 00°57'36" W 2658.64 feet along the West line of the SW $\frac{1}{4}$ of said Section 4; thence N 89°50'59" E 664.27 feet along the North line of the SW $\frac{1}{4}$ of said Section 4; thence S 00°58'00" E 2654.96 feet along the East line of the W $\frac{1}{2}$, W $\frac{1}{2}$, SW $\frac{1}{4}$, of said Section 4; thence N 89°31'54" E 4.90 feet along the South line of said Section 4; thence S 00°30'04" E 1320.63 feet along the West line of the East 20 acres of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of said Section 9; thence S 89°30'41" W 666.45 feet along the South line of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of said Section 9; thence N 89°48'51" W 2630.29 feet along the South line of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 8; thence N 00°31'13" W 1319.24 feet along the West line of the NE $\frac{1}{4}$ of said Section 8 to the place of beginning.

SUMMARY OF PROCEEDINGS

- A. On August 20, 1996, a petition was filed requesting the annexation of certain territory in Wayland Township to the City of Wayland.
- B. On January 30, 1997, an adjudicative meeting was held to determine legal sufficiency and the petition was found to be legally sufficient pursuant to Public Act 191 of 1968, as amended, and Public act 279 of 1909, as amended.

- C. On March 13, 1997, a public hearing was held to receive testimony given pursuant to Public Act 191 of 1968, as amended. Notice of said hearing was published and mailed pursuant to Section 8 of Public Act 191 of 1968 as amended.
- D. On July 24, 1997, an adjudicative meeting was held to consider the docket and render a decision.

INFORMATION FROM THE RECORD

- A. The City petitioned for annexation based upon the request of three property owners: Wayland Schools, T&M Partners, and Eleanor Marker Enterprises. They requested annexation to receive City services. The City requires annexation for provision of sewer and water service.
- B. The territory proposed for annexation:
- has a population of approximately 10
 - is 140.4 acres
 - is currently zoned R-2, Medium Density Residential
 - is comprised of 6 parcels.
- C. The Scheib family owned one of the parcels in the territory proposed for annexation when the petition was filed. They testified at the public hearing that they were opposed to the annexation. The City attorney and the City manager stated at the adjudication that the Scheib family had moved and was now residing in the City.
- D. One parcel is owned by Mr. Greenwell and another is owned by Mr. Noble. Neither party made any statements on the record. The City Manager stated at the adjudication that she met with Mr. Greenwell and discussed the City's plans for the property before the City filed the petition. The City had not heard from him since that meeting.
- E. The City reported that they can easily provide services to the area proposed for annexation. The properties would be zoned low to medium density residential and community service.
- F. Mr. Marklevitz, Township planning commissioner, stated he thought that an agreement for the City to provide sewer & water could be worked out.
- The Township Board stated its opposition based on the following:
- The residents of 133rd Avenue are opposed to the annexation.
 - The oil well and storage tanks could pose a health problem.
 - There is a toxic land fill in the immediate area.
 - The land owners on 133rd Avenue feel that a profit for the City would be at their expense.
 - The school system is already over crowded and more students would add to the problem.
 - The proposed annexation would not square the boundary.
 - The City has undeveloped land in the southwest corner.

- The soil in the proposed area is sandy so there is adequate drainage to provide septic fields.
- G. Seven adjacent property owners residing on 133rd Avenue expressed opposition to the annexation and development of the property. Two Township residents living in other areas of the Township opposed the annexation and development of the property.

THE COMMISSION FINDS THAT

1. The City has the capacity to provide services to the proposed area.
2. The annexation would not pose an unreasonable economic burden upon the Township or the City.
3. The property owners of the majority of the proposed area desire annexation.
4. Since the proposed area is in the proximity of a toxic land fill it may be safer to use the City's water system rather than private wells.

IN CONCLUSION, THE COMMISSION FINDS THAT

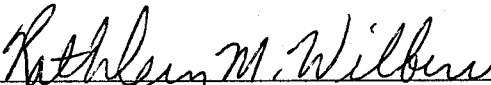
1. The Commission has considered the record of this docket in accordance with the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On July 24, 1997, State Boundary Commissioners Rutledge, VerBurg, and Walker and County Boundary Commissioners Dykstra and Heckman held an adjudicative meeting during which:
 - Commissioners Rutledge, VerBurg, and Walker voted to annex the subject territory as petitioned and described herein,
 - Commissioners Dykstra and Heckman voted nay, and
 - the staff was directed to prepare draft Findings of Fact and Order.
3. On August 21, 1997, Commissioners Rutledge, VerBurg, Walker, Dykstra, and Heckman held an adjudicative meeting during which
 - the draft Findings of Fact and Order was reviewed, and
 - the Commission voted to adopt the Findings of Fact and recommend that the Director of the Department of Consumer and Industry Services sign the Order.

ORDER

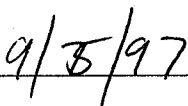
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IT IS ORDERED THAT the annexation of the described subject territory in Wayland Township to the Home Rule City of Wayland shall be final and effective on the date the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT, the Executive Director shall forthwith transmit a certified copy of the Findings of Fact and Order to the Wayland Township Clerk, the Wayland City Clerk, the Allegan County Clerk, and the Secretary of State.



Kathleen M. Wilbur, Director
Department of Consumer and Industry Services



Date